

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2280

By: Murphey

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8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety; amending  
10 63 O.S. 2011, Section 1-890.6, as amended by Section  
11 2, Chapter 12, O.S.L. 2012 (63 O.S. Supp. 2015,  
12 Section 1-890.6), which relates to the Continuum of  
13 Care and Assisted Living Act; requiring Department of  
14 Health to develop a classification system of  
15 violations; requiring coordination with the Long-Term  
16 Care Facility Advisory Board; providing for  
17 noncodification; and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-890.6, as  
20 amended by Section 2, Chapter 12, O.S.L. 2012 (63 O.S. Supp. 2015,  
21 Section 1-890.6), is amended to read as follows:

22 Section 1-890.6 A. The Continuum of Care and Assisted Living  
23 Act shall not apply to residential care homes, adult companion  
24 homes, domiciliary care units operated by the Department of Veterans  
Affairs, the private residences of persons with developmental  
disabilities receiving services provided by the Developmental

1 Disabilities Services Division of the Department of Human Services  
2 or through the Home- and Community-Based Waiver or the Alternative  
3 Disposition Plan Waiver of the Oklahoma Health Care Authority, or to  
4 hotels, motels, boardinghouses, rooming houses, a home or facility  
5 approved and annually reviewed by the United States Department of  
6 Veterans Affairs as a medical foster home in which care is provided  
7 exclusively to three or fewer veterans, or other places that furnish  
8 board or room to their residents. The Continuum of Care and  
9 Assisted Living Act shall not apply to facilities not charging or  
10 receiving periodic compensation for services rendered and not  
11 receiving any county, state or federal assistance.

12 B. The State Commissioner of Health may ban admissions to, or  
13 deny, suspend, refuse to renew or revoke the license of, any  
14 continuum of care facility or assisted living center which fails to  
15 comply with the Continuum of Care and Assisted Living Act or rules  
16 promulgated by the State Board of Health.

17 C. Any person who has been determined by the Commissioner to  
18 have violated any provision of the Continuum of Care and Assisted  
19 Living Act or any rule promulgated hereunder shall be liable for an  
20 administrative penalty of not more than Five Hundred Dollars  
21 (\$500.00) for each day that the violation occurs.

22 D. 1. The Department of Health shall develop a classification  
23 system of violations which shall gauge the severity of the violation  
24 based on:

- a. no actual harm with the potential for minimal harm,
- b. no actual harm with the potential for more than  
minimal harm,
- c. actual harm that is not immediate jeopardy, and
- d. immediate jeopardy to resident health and safety.

2. Upon discovery of one or more violations the Department shall provide an itemized list containing said violations which shall include each of the fines to be assessed. The continuum of care facility or assisted living center shall be given an opportunity to correct these violations. If the violations are not corrected within the time limits set forth in the accepted plan of correction, fines may then be assessed.

3. Any subsequent violation discovered upon a revisit of a continuum of care facility or assisted living center as a result of a preexisting violation shall constitute a new action and shall not be included in the original citation or assessment of fines or penalties; provided, that if a preexisting violation has not been rectified the original assessment shall be considered still in effect.

E. If a continuum of care facility's failure to comply with the Continuum of Care and Assisted Living Act or rules involves nursing care services, the Commissioner shall have authority to exercise additional remedies provided under the Nursing Home Care Act. If a continuum of care facility's failure to comply with the Continuum of

1 Care and Assisted Living Act or rules involves adult day care  
2 services, then the Commissioner shall have authority to exercise  
3 additional remedies provided under the Adult Day Care Act.

4 ~~E.~~ F. In taking any action to deny, suspend, deny renewal, or  
5 revoke a license, or to impose an administrative fee, the  
6 Commissioner shall comply with requirements of the Administrative  
7 Procedures Act.

8 SECTION 2. NEW LAW A new section of law not to be  
9 codified in the Oklahoma Statutes reads as follows:

10 The State Department of Health shall develop the classification  
11 system required in Section 1-890.6 of Title 63 of the Oklahoma  
12 Statutes in consultation and coordination with the Long-Term Care  
13 Facility Advisory Board as defined in Section 1-1923 of Title 63 of  
14 the Oklahoma Statutes.

15 SECTION 3. This act shall become effective November 1, 2016.

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